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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/520,305	01/05/2005	Detlef Mattinger	3156	5070												
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743		05/31/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">LU, JIPING</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3749</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>05/31/2007</td><td>PAPER</td></tr></table>		EXAMINER		LU, JIPING		ART UNIT	PAPER NUMBER	3749		MAIL DATE	DELIVERY MODE	05/31/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,305

Applicant(s)

MATTINGER ET AL.

Examiner

Jiping Lu

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-29, 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Status

1. Claims 1-23 and 30 have been cancelled. Claims 24-29 and 31-34 are now in the case.

Drawings

2. The drawings were received on 3/23/2006. These drawings are not acceptable because they are informal. The changes in the drawings are approved.

Specification

3. The amendment filed 3/13/07 to the abstract and specification have been approved. New matter objection and rejection are hereby withdrawn. In the interest of avoiding any potential confusion and amendment entry errors, the applicant is invited and requested to submit substitute abstract, specification and drawings in the next response.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 24, 27 and 29 are rejected under 35 U.S.C. 102 (b) as being anticipated by Guenin (EP 0970633).

Guenin shows an air nozzle attachment (Fig. 1) for a hair dryer, said hair dryer 1 having a fan 5 and a heater 12 for generating a central hot-air stream 9 and a concentric cold-air stream 11

Art Unit: 3749

concentric to the central hot-air stream at a blower opening, wherein the air nozzle attachment 23 is connectable to the blower opening (at 23) and produces a hot-air stream 18 and a cold-air stream (at 19) from the central hot-air stream 9 and the concentric cold-air stream 2 of the hair dryer 1, wherein said hot-air stream 18 and said cold-air stream (at 19) produced by the air nozzle attachment (8) are arranged side-by-side, wherein the air nozzle attachment (8) comprises a hot-air nozzle (at 18) and a cold-air nozzle (at 19) located side-by-side, wherein the air nozzle attachment 23 on an end connectable with the blower opening (at 23), is provided with a central conduit entrance (not numbered, see Fig. 1, at 23) and a coaxial conduit entrance (not numbered, see Fig. 1, at 23)) coaxial to the central conduit entrance, and wherein the central conduit entrance opens into the hot-air nozzle and the coaxial conduit entrance opens into the cold-air nozzle. The hot-air nozzle has a smaller blower cross section than the blower cross section of the cold-air nozzle (see Fig. 1, at 23). The air nozzle attachment is axially connectable at the blower opening by detachable snap-on connection and be rotatable to any angular position. The newly added limitation from now canceled claim 30 is noted. However, the connector (at 31, 32) between the air nozzle attachment 23 and air blower opening is deemed to be "snap-on" connection.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 25-26, 28, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guenin (EP 0970633).

Art Unit: 3749

The air nozzle attachment of Guenin as above includes all that is recited in claims 25-28, 31-33 except for the shape, cross section, length, color and material of the air nozzle. With regard to claimed shapes, length, cross section, color and material, it would have been an obvious matter of design choice to design the nozzle of Guenin with any desired shape, cross section, length, color and material in order to obtain the optimum result since applicant has not disclosed that the claimed nozzle shape, cross section, length, color and material solve any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it appears that the claimed feature does not distinguish the invention over similar features in the prior art. In particular, the use of universal identifying colors for safety is well known in the art. For example, in heating art, the color blue stands for low temperature. The color red represents high temperature. Today's almost all hair dryers are made of heat-resistant plastic. With regard to the nozzle attachment, again, most hair dryers at home do have snap on connectors for easy assembly.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guenin (EP 0970633) in view of Hubbuch (G 9100860.3).

The hair dryer with an air nozzle attachment of Guenin as above includes all that is recited in claim 34 except for a second air nozzle attachment which produces a hot air stream for optional usage. Hubbuch teaches an air nozzle attachment 3 for a hair dryer that produces only hot air stream same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hair dryer of Guenin to further include a hot air only nozzle attachment of Hubbuch in order to pursue the intended use. The newly added limitation from now canceled claim 30 is noted. However, the connector (at 31, 32)

Art Unit: 3749

between the air nozzle attachment 23 and air blower opening is deemed to be “detachable” (at 31, 32).

Response to Arguments

9. Applicant's arguments filed on 3/13/07 with respect to claims have been considered but are not persuasive to overcome the rejection. First, on pages 9-10 of Remarks, the requested changes in the drawings, abstract and specification have been approved. All new matter rejection and objection have been withdrawn. The applicant is requested to submit a substitute set of drawings, abstract and specification with the approved changes to avoid any confusion and errors. Second, on pages 11-13 of the Remarks, the applicant argues that the European patent EP '633 to Guenin does not show or teach the air nozzle attachment is detached and also no reason to do so. The examiner disagrees because claims remain in failure to structurally define over the prior art references. The applicant keeps arguing the different types of air nozzle attachment that can be used to replace the air nozzle attachment with hot and cold air streams. There is no such limitation found in claim 24. The examiner cannot give weight to any limitations not found in claims. Third, on pages 14-17 of Remarks, the applicant argues that there is no suggestion that the air nozzle attachment 23 is attachable from the air dryer. The examiner also disagrees. It should be noted there is no specific structure included in claims 24 and 30 to make the air nozzle attachment “detachable”. Therefore, it is the examiner's position that anything can be made “attachable” or “detachable”, if one desires. The European patent EP '633 to Guenin certainly is capable of being “detachable” at 31, 32 junction. On page 16 of Remarks, the applicant argues that the claimed color coding is cosmetic art and is uncommon. The examiner disagrees because

Art Unit: 3749

this is merely a printed matter and does not add any structure to the claims. The color is common in heating art. It is common and well known in the art to use red color for “hot” and color blue for “cold” for safety reasons. The applicant can not deny this safety feature which can be found everywhere in offices and homes. Therefore, this is unpatentable. On pages 17-19 of Remarks, the applicant argues that there is no teachings or suggestions to combine the prior art references of Guenin and Hubbuch. The examiner disagrees also. Claim 34 does not contain any structure to perform such “detachable” function. Therefore, anything can be made “detachable”. The hair dryer with an air nozzle attachment of Guenin does not show a second air nozzle attachment which produces a hot air stream for optional usage. Hubbuch teaches an air nozzle attachment 3 for a hair dryer that produces only hot air stream same as claimed. Therefore, it is the examiner’s position in view of the combined teachings of the references, it would have been obvious to one skilled in the art to modify the hair dryer of Guenin to further include a hot air only nozzle attachment of Hubbuch in order to pursue the intended use in temperature changes.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

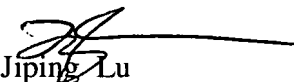
Art Unit: 3749

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.